

REMARKS

Reconsideration and withdrawal of the rejection with respect to Claims 14-17, 19 and 21-28 are respectfully requested in view of the foregoing amendments and the following remarks.

Initially, it should be noted that by this Amendment the independent Claims 14 and 15 had been amended to better distinguish the claimed invention over the cited art and additional changes have been made to several of the dependent claims so as to resolve certain antecedent basis problems and to place them in better format in accordance with U.S. practice. With respect to Claims 14 and 15, it should be noted that the multi-port body is now defined as being secured to and disposed adjacent to said band and the multi-port body is further defined as having an upper surface on which are mounted a plurality of ports for connecting to tubes. As will be discussed in detail below, it is respectfully submitted that the claims as now amended are neither disclosed nor suggested by the cited prior art.

The rejection of claims 14, 15 and 19 as being anticipated by Taheri, U.S. Patent No. 4,586,919 is respectfully traversed.

Claim 14

Amended Claim 14 is not anticipated by Taheri for four reasons. Firstly, Claim 14 requires that the multiport body is "secured" to "and disposed adjacent to" the band. This is not the case in Taheri. All of the figures in Taheri show quite the opposite, with the multiport body 20 floating at an indeterminate point in space, and in any event located sufficiently far away from the bands 17 and 19 partly as a result

of its attachment to length of tubing 11, so as not to actually be touching the bands let alone be secured by the band.

Secondly, even if the Examiner were to find that the bands 17 and 19 could be said to secure device 20, which it cannot, it could not be said to "hold the bottom surface of the multiport body directly against the surface of said user's body part." part of the meaning of the word "hold" is that the holder applies sustained pressure on the thing held. If something is "held" against something, a state of contact steadied by this continuing pressure is posited. In Taheri, due to the length of intervening tube 11, any contact between device 20 and a user's body part would be:

- a) intermittent; and
- b) not substantially a result of pressure exerted by bands 17 and 19 at all, but rather to do with the independent positioning of device 20, gravity or other such factors.

Thirdly, there is no mention of device 20 being held *directly* against the surface of a user's body part. Given that the bands 17 and 19 are designed to wrap around an artery or vein, it is clear that there is no intention to enforce pressurized, continuous contact of a solid on said artery or vein, such an outcome being highly undesirable.

Fourthly, the attachment means formed by band 17 and 19 are designed to wrap around an artery or vein. Due to risks of pain, injury and inflammation, it is undesirable to burden a vein or artery with the additional weight of a multiport infusion device. It is therefore suggested that it is a salient feature of Taheri that is not

designed to anticipate the application, i.e., Taheri teaches away from the present invention.

Claim 15

Likewise, Taheri does not anticipate Claim 15 because the multiport infusion device is not attached to the band, for the same reasons as given above.

Furthermore, Taheri does not disclose as set forth in Claim 15:

"a multiport body having...a pair of regions in each of which one of said straps enter and against each of which one of said straps is anchored, said regions projecting from said bottom surface of said body so that when said band is secured to a user's body said band encircles the whole of the user's limb and said regions lift portions of said straps adjacent to said body from the encircled limb as the strap 3 enters said body."

In Taheri, feature 20, the stopcock analogous to the multiport body does not have these regions or any such feature analogous to them, either in the text, implied in the text, or in the drawings.

Secondly, it is not clear that the straps are lifted from the body since they are connected to the top of tab 16, since there is nothing in the patent to suggest the material composition or appropriate use of tab 16. Were it made of a flexible material, the purpose of tab 16 might be to wrap around a chosen surface, effecting a high degree of surface contact. As a consequence, the straps would be separated from the body by the material of tab 16, but they could not be said to be "lifted" as such.

If, however, the tab is made of a taut material, the straps will be lifted from the body in some areas, by the angle at the abutment between tab 16 and strap 17, when strap 17 is fastened to strap 19 and the straps can be said to be partially removed from contact with the body. Due to this ambiguity, it cannot be said that the feature is disclosed.

Further, it would be undesirable in Taheri to attach the multiport fusion device to the vein or artery with the given band for the reasons given above.

Claim 19

Claim 19 is also believed to be patentable over Taheri due to the fact that Taheri does not disclose the means wherein the multiport body is raised from the band allowing air circulation between a tube extending from one of the port and said intravenous therapy location.

Owing to tube 11, which is of indeterminate length, there is no certainty that the multiport may be raised from the band allowing said air circulation at all, let alone permanently, or whether if it could be said to be raised from the band it would be in such a way as to allow for the desired air circulation.

Finally, and this applies to all claims above, Taheri shows a multiport body which is quite separate from the tab and strap part, in contrast to that now set forth in Claims 14 and 15 and the tab and strap part itself is no more than a vein or artery locating tab and has no function whatsoever in terms of locating the multi-port body against a user's limb.

The rejections of Claims 14-17, 19, 22 and 26-28 as being unpatentable over Bierman, U.S. patent No. 2,261,213 in view of Naftulin et al, U.S. Patent No. 3,782,382 is also respectfully traversed.

Dealing first with the Examiner's contention that combining Bierman and Naftulin makes Claim 14 unpatentable, such combination is neither self evident nor permissible other than with the benefit of improper hindsight for reasons previously argued. And it does no such thing to Claim 15, nor, therefore, does it affect any of the subsequent, dependent claims.

The key difference is:

"a pair of regions in each of which one of said straps enter and against each of which one of said straps is anchored, said regions projecting from said bottom surface of said body so that when said band is secured to a user's body said band encircles the whole of the user's limb and said regions lift portions of said straps adjacent to said body from the encircled limb as the strap 3 enters said body."

This is far from obvious, and must be set apart other forms of strapping in that first it serves to secure a best fit between the bottom of the multiport body and the limb of the patient, in order (a) that the multiport body is as close to the body as possible and is therefore less likely to be knocked than if it was sticking out and (b) if it is knocked, movement is minimized by the fit. The second advantage is that while securing the device, the area of banding to which the limb is brought into contact is minimized, so that blood flow is not restricted and sensitive skin types are not affected,

as they might be either by adhesive means or by tight bands. This, as discussed in subsidiary claims, has the further advantage of maximizing airflow to the incision into which the needle is placed, resulting in a healthier incision profile.

It is also respectfully submitted that Claims 14, 15, 19 and 23-25 are unobvious over McLaughlin in view of either Taheri or Page. The key difference between the application and McLaughlin in view of either Taheri or Page is that in the presently claimed invention the multiport body is held against the limb, whereas in the cited references it is not. The advantage of this is clearly to exert control of the relative positions of limb and multiport body, especially during periods when the limb is moving. In McLaughlin, the multiport body is proximate to the wrist but is not actually touching it. In Page and Taheri, the multiport body is completely removed from contact or even contiguity to the band device.

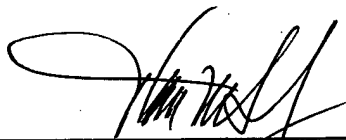
The distinctions regarding Claim 15 set forth above in relation to the rejection based on Bierman in view of Naftulin applies equally here.

Finally, Applicant hereby requests a one-month extension of time in which to respond to the outstanding Office Action. USPTO Form 2038 in the amount of \$60.00 is enclosed to cover the official fee. Any fee deficiency or overpayment may be charged or credited to applicant's Deposit Account No. 07-0130.

In summary, it is respectfully submitted that the now claimed multi-port infusion device is undeniably new and is certainly neither found nor suggested in any self-evident combination of ideas found in the cited art. Accordingly, reconsideration and withdrawal of the rejection and early allowance of the claims is earnestly solicited.

Respectfully submitted,

SOLMAZ MOSSANEN-SHAMS ET AL.



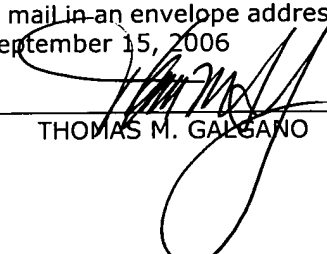
Thomas M. Galgano, Reg. No. 27,638
GALGANO & ASSOCIATES, PLLC
Attorneys for Applicant
300 Rabro Drive, Suite 133
Hauppauge, NY 11788
Telephone: (631) 582-2727
Facsimile: (631) 582.2733

TMG/jgg

Enclosure: USPTO Form 2038 in the amount of \$60.00

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on September 15, 2006

By:  Date: September 15, 2006
THOMAS M. GALGANO